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Human rights situations that require the Council's attention

Written statement* submitted by the East and Horn of Africa Human Rights Defenders Project, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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South Sudan: Civil Society Under Threat; Increased Human Rights Monitoring Needed*

The undersigned South Sudanese and African non-governmental organizations are deeply alarmed at the continuing violence in South Sudan, despite the signing of the Cessation of Hostilities agreement, and urge the Human Rights Council to support a thorough and impartial investigation into serious human rights violations being committed in the country, and the meaningful participation of civil society in peace negotiations.

Since the start of the crisis on 15th December 2013, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that an estimated 707,400 people are displaced within South Sudan, with a further 149,700 people having fled to nearby countries.[1] Although a precise death count is not available, the UN Mission in the Republic of South Sudan (UNMISS) has reported that thousands have been killed in the fighting.

Situation of civil society and human rights defenders

While many civil society organizations have been able to continue their important work in South Sudan, providing humanitarian assistance to those affected by the conflict, carrying out assessments and reporting on the situation, numerous human rights defenders have been forced to leave the country when their personal safety was severely threatened. Between late December 2013 and mid-February 2014, the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) evacuated fifteen human rights defenders at risk. This figure does not include family members who have also left the country, and is likely to represent only a small proportion of the total number, as many others have fled by other means.

It is not only individual human rights defenders, but entire organizations that have been affected. On 22nd January 2014, one of the country's most prominent and outspoken NGOs, the South Sudan Human Rights Society for Advocacy (SSHURSA) announced that it had closed all its offices and suspended operations under further notice. Staff members had been receiving death threats and many are now in exile due to security concerns.[2]

Prior to the current crisis, civil society was already facing enormous challenges in South Sudan. Research conducted by EHAHRDP between 2010 and 2013 showed that human rights defenders, and particularly journalists, were facing routine harassment, intimidation and attacks. Over the three years that the study was conducted, repercussions against human rights defenders, especially those seen to be working on politically sensitive issues, were observed to become more acute.[3] Efforts such as the establishment of the South Sudan Human Rights Defenders Network have been undertaken in cooperation with South Sudanese activists to seek to reclaim space for civil society to operate safely in the country, but concerted support is needed from State authorities and the international community.

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[1] United Nations Office for the Coordination of Humanitarian Affairs, South Sudan Crisis Situation report as of 13 February 2014, Report number 19, http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20crisis_situation%20report%2019_as%20of%2013%20February.pdf

[2] South Sudan Human Rights Society for Advocacy, Press Release 'SSHURSA Closes Down Operations In South Sudan As Its Staff Members Go To Exile For Their Lives,' 22 January 2014, http://www.sshursa.org/images/pressreleases/140123_SSHURSA_closes_down_in_South_Sudan_and_suspends_operations.pdf

[3] East and Horn of Africa Human Rights Defenders Project, *"Change will not come until we talk about reality": The Closing Space for Human Rights Defenders in South Sudan*, December 2013, http://www.defenddefenders.org/2013/12/south-sudan-report-on-human-rights-defenders

Need for thorough and impartial investigation into human rights violations

A thorough and impartial investigation into serious human rights violations linked to the conflict is urgently needed. On 30th December 2013, the African Union Peace and Security Council decided to establish a Commission of Inquiry to investigate human rights violations and other abuses committed during the armed conflict in South Sudan, but at the time of writing it had not yet begun its work. Civil society groups have called on the AU PSC to ensure that the Commission of Inquiry can commence its work immediately, with strong terms of reference and members chosen for their independence, impartiality, integrity and competence.[4] The Office of the High Commissioner for Human Rights should work closely with the Commission of Inquiry, including in actions to ensure the safety of victims, witnesses and intermediaries, and the preservation of evidence, in cooperation with other relevant actors.

It is more important now than ever that UNMISS, working with OHCHR, fulfills its mandate to monitor, investigate, verify, and report regularly on human rights and potential threats against the civilian population as well as actual and potential violations of international humanitarian and human rights law. The human rights component should report regularly and publicly on the human rights situation in South Sudan in order to deter further violations and to allow for those responsible to be held accountable. An assessment of citizens' perspectives and concerns carried out in early February 2014 found that justice and accountability was a key concern among those interviewed, on which there should be 'no compromise'.[5]

Civil society representation in the mediation process

Full and meaningful representation of a broad range of civil society actors in the IGAD mediation process should be assured. Members of all groups of society, including women, must be given the opportunity to contribute to the mediation process and to have their perspectives heard. In September 2013, the Human Rights Council reminded states of the importance of respecting the rights of civil society and the important contributions of civil society in responding to humanitarian crises, including armed conflict, and promoting the rule of law and accountability.[6] Council members and observer states have an opportunity to reinforce this message at the panel discussion on the importance of the promotion and protection of civil society space to be held at the 25th session.

In conclusion, the sixteen organizations undersigned, call on member and observer states at the Human Rights Council to:

- Urge the Office of the High Commissioner for Human Rights to report regularly and publicly on the human rights situation in the country;
- Establish a longer term mechanism, such as a country specific special procedure mechanism, to document the situation of human rights in South Sudan, assess priorities and report back periodically to the Human Rights Council;
- Pay close attention to the human rights situation in South Sudan, including as it affects human rights defenders and civil society more broadly;
- Demand that all actors in the conflict ensure the protection of civilians, cease any violations of international human rights and humanitarian law and put in place measures to prevent further violations;
- Encourage close cooperation between the Office of the High Commissioner for Human Rights and the AU Commission of Inquiry;
- Call on IGAD to allow the meaningful participation of a broad range of civil society in the mediation process.

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[4] Civil Society Statement on the Establishment of a Commission of Inquiry into Atrocities Committed During the Conflict in South Sudan, 25 January 2014, http://www.sudantribune.com/spip.php?article49753

[5] Community Empowerment for Progress Organisation (CEPO), *Citizens' Perspectives on South Sudan Negotiation in Addis Ababa*, February 2014, p. 10

[6] UN Human Rights Council Resolution 24/21, Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment, September 2013, A/HRC/RES/24/21

This statement is submitted on behalf of the following South Sudanese and African non-governmental organizations: Africa Mission Action; Central Equatoria State Women's Union; Community Empowerment for Progress Organization; East and Horn of Africa Human Rights Defenders Project; EVE for Women Organization; Institute for Promotion of Civil Society; Organization for Non-Violence and Development; Raise Women Hopes; Standard Action Liaison Focus; South Sudan Action Network on Small Arms; South Sudan Democratic Engagement and Monitoring Observation Program; South Sudan Human Rights Defenders Network; South Sudan Older Persons Organization; South Sudan Women Advocates; South Sudan Youth, Peace and Development Organization; Voice for Change.

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